

JUDGE COTE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HELAYNE SEIDMAN,

Plaintiff,

v.

TIME INC.,

Defendants.
-----X

08 CV 2948

COMPLAINT
& JURY DEMAND



Plaintiff HELAYNE SEIDMAN, by and through her attorneys, Greindler
LLP respectfully alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for copyright infringement that arises from the use of plaintiff's famous photograph of John Gotti and Salvatore Gravano (the "subject photograph").

2. Plaintiff is a professional photographer who created the subject photograph and has registered copyright in the subject photograph.

3. The subject photograph is a famous image that has earned plaintiff significant revenue from licensing.

4. Defendant Time Inc. ("Time") recently published a book entitled "The Most Notorious Crimes in American History" (the "infringing book").

5. At no time did plaintiff Seidman grant to defendant Time the right to use her photograph in the infringing book.

6. Notwithstanding, defendant Time willfully included the subject photograph in the infringing book without plaintiff's permission.

7. Defendant Time made no payment whatsoever to plaintiff for the inclusion of the subject photograph in the infringing book.

8. Defendant Time did not credit plaintiff on the subject photograph itself or below, in the infringing book.

THE PARTIES

9. Plaintiff Seidman is a professional photographer who has taken several famous photographs including the photograph which is the subject of this litigation.

10. Defendant Time is a corporation incorporated under the laws of Delaware with its principal place of business at 1271 Avenue of the Americas, New York, NY 10020

11. Defendant Time is a corporation in good standing licensed to transact lawful business within the State of New York.

JURISDICTION AND VENUE

12. The plaintiff resides within the State of New York in this District and has resided here at all times pertinent herein.

13. Jurisdiction for the plaintiff's claims lies within the United States District Court for the Southern District of New York pursuant to the Copyright Act of 1976 17 U.S.C. §101, et. seq., and 28 U.S.C. §1338(a) (conferring original jurisdiction over such district courts for claims arising under any act of Congress related to copyrights).

14. Venue is proper under 28 U.S.C. §1391 since defendant has infringed plaintiff's copyright in this district. Further defendant conducts business within the State of New York and

has committed torts within the State of New York as described herein.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT

15. The plaintiff, as the owner of the subject photograph, has complied with the provisions of the copyright act, 17 U.S.C. §101, et. seq.

16. Defendant's infringing book directly infringes on plaintiff Seidman's copyright.

17. Without permission or authorization from the plaintiff, defendant impermissibly used, reproduced, copied, infringed, disseminated or otherwise exploited plaintiff Seidman's copyrighted image without permission, payment, or appropriate credit.

22. By commercially exploiting the plaintiff's copyright image in the infringing book, defendant has generated significant revenues. Plaintiff claims those revenues and all other damages recoverable under allocable law, including statutory damages and attorneys fees.

DAMAGES

As a result of defendants misappropriation of plaintiff's copyrighted images, plaintiff has suffered and claims as damages, all available damages under the Copyright Act including statutory damages, costs and attorneys fees and her actual damages including defendant's profits attributable to the infringement of plaintiff's images. These damages include, but are not limited to, all revenues generated by the sale of the infringing book. These damages are likely to be in excess of \$500,000.00, to be determined by a jury at trial.

WHEREFORE the plaintiff respectfully prays for judgment on her behalf for injuries damages and losses in amounts allowable by law along with costs, interests, statutory damages,

attorneys fees, injunctive relief, disgorgement of profits attributable to infringements and any other relief as authorized by law.

JURY DEMAND

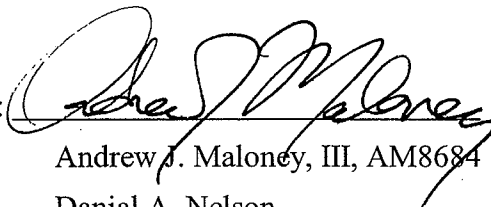
Plaintiff demands a jury trial on all issues triable as of right.

Dated: New York, New York
March 20, 2008

Yours, etc.

KREINDLER & KREINDLER LLP

By:



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